

1 supporting primarily not exclusively, but
 2 primarily applications that were server based
 3 that means the actual hardware and software was
 4 located in the offices so in order to implement
 5 any change, one needed usually to be on-site, so
 6 there was more travel because of mergers and the
 7 year 2000 remediation but there was always
 8 travel.

9 Q. Okay.

10 A. For this group.

11 Q. Okay. And what were the hours of
 12 operation Monday through Friday for your group?

13 A. Do you mean what were the normal
 14 working hours?

15 Q. Yes, yes, yes.

16 A. We had the same hours as the company, I
 17 should say IT, and the normal working hours were
 18 I think either 8:15 to 4:30 or 8:30 to 4:45,
 19 something about that. I am not exactly sure.

20 That was the normal, the IT -- the company hours.

21 We did have flex time during the summer
 22 periods.

23 Q. What is flex time?

24 A. Flex time meant that you could with the

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1 Q. But when --
 2 A. What do you mean by local, I'm sorry?
 3 Q. I am trying to distinguish, I am trying
 4 to understand the difference. I understand
 5 someone is going to have the responsibility for
 6 the travel projects and so, therefore, that is
 7 Karen Holmes, and so from this group of
 8 individuals, you and Karen Holmes are the two
 9 parties that conferred --

10 MR. MUNTYAN: Objection to the form
 11 of the question.

12 Q. -- routinely with regards to travel, is
 13 that true?

14 A. I am not sure that that is exactly
 15 right. All of the people on that list, I
 16 believe, I don't want to say something that is
 17 not true.

18 MR. MUNTYAN: May I see the list?
 19 MS. HILL: Yes.

20 A. I don't remember that Jane Rinkhaus
 21 traveled. I believe everyone else on this list
 22 except Jane Rinkhaus and Bernadine did travel at
 23 some time on business.

24 Q. Okay.

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1 approval of your management arrange to work to
 2 come in on a flex basis. I think it was 8:00 to
 3 9:15 or 9:30, somewhere in there.

4 Q. Okay.

5 A. If it worked out.

6 Q. And then you would work longer into the
 7 evening?

8 A. Yes.

9 Q. And was the normal work hour then, the
 10 required work hour a seven and-a-half hour day?

11 A. I believe so.

12 I'm sorry, I do remember, I believe it
 13 was 7 3/4 was the official, I think. It was
 14 somewhere around there.

15 Q. With regards to Miss Griffith having
 16 traveled, was Miss Griffith required to travel in
 17 1998 and 1999?

18 A. No.

19 Q. And what is the reason why she wasn't
 20 required to travel in 1998 and 1999?

21 A. Miss Griffith had expressed that it
 22 would be difficult for her from a medical
 23 perspective so we did not put her on the travel
 24 list.

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1 A. The way -- when we were doing scheduled
 2 installations, most of them Karen Holmes did but
 3 she might end up having staffing out that
 4 reported to Tom to support. The lines were not
 5 very --

6 Q. Definitive?

7 A. Definitive, right, it was whatever
 8 needed to get done.

9 Q. All right.

10 A. And both Karen and Tom both personally
 11 traveled as well as members of their staff
 12 depending on what we were exactly trying to
 13 accomplish on a particular site visit. It could
 14 be anything.

15 Q. Okay. Then with regards to Jane
 16 Rinkhaus, why did Jane Rinkhaus not travel?

17 A. Jane was in a strictly, a strictly
 18 documentation testing and support role. She did
 19 not program at all.

20 Q. Okay.

21 A. And so there was no need for her to
 22 travel, and to the best of my recollection, I
 23 don't believe we ever sent her on an install or a
 24 troubleshooting.

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1 Q. And that was your decision as the
 2 manager?

3 A. That was the decision of me and the
 4 person that she directly reported to.

5 Q. And who was the person that she
 6 directly reported to?

7 A. During the last two or three years, the
 8 group changed sometimes, so I am not sure whether
 9 it was always the same person.

10 When I left in 1999, she was in the
 11 group reporting to Karen Holmes.

12 Q. But with regards to the decision for
 13 Miss Griffith not to travel, did you make that
 14 decision alone or did someone else join you in
 15 that decision?

16 A. Karen Holmes did have the group that
 17 did most of the travel although not all of it,
 18 and we made the decisions on who would travel on
 19 any specific weekend together.

20 Q. And so it was -- okay, it was you and
 21 Karen for the travel?

22 A. Yes.

23 Q. How about Tom Danforth, was he local?

24 A. Yes, yes.

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1 Q. Okay. Was Miss Griffith trained to
 2 install?

3 A. On some products she would be able to
 4 do an install.

5 Q. What was she trained to install?

6 A. I specifically remember that Bernadine
 7 assisted, for instance, in our premium audit
 8 install which was local, so it gave her an
 9 opportunity to take part in that because it
 10 didn't require travel.

11 Q. Okay.

12 A. But when you say train to install,
 13 there wasn't any formal training to install. I
 14 wanted to make that clear that you didn't go to
 15 some class to learn how to install.

16 Q. With regard to installation skills, was
 17 that -- all individuals in your group they would
 18 have installation skills?

19 A. Two different.

20 Q. Now again I am going to back to where I
 21 don't, I am going to take it down to the
 22 fundamental layman hardware/software.

23 When you are talking about
 24 installation, you are talking about installing

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1 Q. Okay. And so it is your testimony that
2 while you worked at OneBeacon Insurance, you were
3 unaware of the claim of racial discrimination?
4 A. I don't want to say, no, I don't think
5 I knew anything about that. I don't recall
6 knowing anything specific about that.
7 Q. Did you know anything in general about
8 the claim of racial discrimination?
9 A. I recall that when I visited H.R., I
10 believe mid 1999, there was a mention, no details
11 about a pending suit.
12 Q. And who did you speak with in H.R.?
13 A. Cathleen Moynihan.
14 Q. Okay. And that was mid 1999?
15 A. I think so. I think that that is my
16 best recollection.
17 Q. Do you recall whether or not you
18 reviewed any documents when you were meeting with
19 Cathleen Moynihan?
20 A. No, no, I did not review any documents.
21 Q. So you just spoke with her directly?
22 A. Yes.
23 Q. Was anyone else present in the room
24 besides Cathleen Moynihan and yourself?

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1 medical were outside of the range of that, so
2 Cathleen, Miss Moynihan was pointing that out to
3 us, and showed us that.

4 Q. Okay. And prior to having that meeting
5 with Miss Moynihan, what hours did Miss Griffith
6 work?

7 A. Do you mean what hours was she
8 assigned?

9 Q. Yes.

10 A. Was she expected to work, to come in?

11 Q. Right.

12 A. I believe -- to the best of my
13 recollection at the time, I believe it was 9:30
14 or that was what we expected, 9:30 to whatever
15 that adds up to at the end.

16 Q. That was the flex plan?

17 A. Yes, 9:30 plus.

18 Q. Okay.

19 A. That would be the maximum on the flex.

20 Q. And did she ask for your permission to
21 come in at 9:30?

22 A. Yes, because anyone who was on flex had
23 to set it up with us.

24 Q. When she asked you to setup the flex,

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1 A. Karen Holmes.
2 Q. And anyone else besides Karen Holmes?
3 A. No.
4 Q. All right. And after having that
5 discussion in general with regards to the racial
6 discrimination claim, what, if anything, what
7 steps did you take thereafter?
8 MR. MUNTYAN: Objection to the form
9 of the question.
10 A. I did not know it was a racial
11 discrimination. All I knew was that there was a
12 suit against the company.
13 Q. Okay. Did you inquire as to what the
14 suit against the company pertained to?
15 A. No.
16 Q. Did Miss Holmes inquire as to what the
17 suit pertained to?
18 A. No, not to my recollection.
19 Q. So Miss Moynihan -- what was the
20 purpose of her having this conference with you
21 and Miss Holmes then?
22 MR. MUNTYAN: Objection to the form
23 of the question.
24 A. We had requested to speak to Cathleen.

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1 coming in at 9:30, what did she tell you the
2 reason why she needed to come in at 9:30?

3 A. I don't remember the conversation.

4 Q. Okay.

5 A. I don't recall it. We wouldn't have
6 required any reason as long as it worked for the
7 group. Anyone could ask for it as long as it
8 worked for the group.

9 Q. So are you saying that you were unaware
10 of Miss Griffith giving a reason, stating a
11 reason to you why she needed to come in at 9:30
12 prior to the summer of 1999?

13 MR. MUNTYAN: Objection to the form
14 of that question.

15 A. I think I knew that Bernadine, that
16 Miss Griffith had medication and health concerns
17 that made her perhaps want to come in at 9:30,
18 but there wasn't any -- I guess I am saying there
19 wouldn't be any need for that because as long as
20 it worked for the group, it was acceptable. The
21 company didn't require a reason.

22 Q. She never articulated medical issues or
23 medical concerns to you personally?

24 A. If you are saying do I remember that

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1 It wasn't the other way around. We requested the
2 meeting.
3 Q. Okay. So you requested to speak with
4 H.R.?
5 A. Yes.
6 Q. And was this request to speak with H.R.
7 with regards to Miss Griffith or any other
8 employees?
9 A. It was in regards to Miss Griffith.
10 Q. Okay. And what was the purpose of your
11 meeting with Miss Moynihan then, the reason why
12 you chose to request to meet with her?
13 A. We were -- we wanted assistance in how
14 we should help resolve the attendance problem
15 that we had with Miss Griffith.
16 Q. Okay. And what help, if any, did you
17 receive from Miss Moynihan?
18 A. Miss Moynihan told us that there was a
19 letter in her file from a -- from a medical
20 individual, a doctor, about staggered hours and
21 that -- I think that -- I think the issue was
22 that we had, I told you about the flex hours.
23 Q. Right.
24 A. And the staggered and the hours in the

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1 specific conversation to set the hour at 9:30, I
2 don't recall that.

3 There were times when I was aware that
4 Miss Griffith did tell me she wasn't feeling well
5 or she had medical concerns.

6 Q. Were you aware that Miss Griffith
7 suffered a heart attack in 1994?

8 A. Yes.

9 Q. And how did you learn that
10 Miss Griffith suffered from a heart attack in
11 1994?

12 A. I do not remember how. I am sure it
13 was because I heard it from the people in the
14 office.

15 Q. Prior to your conferring with Miss
16 Moynihan and Miss Holmes with regards to Miss
17 Bernadine Griffith, did you ever sit down and
18 have a conference with Miss Griffith about her
19 timeliness, her attendance record?

20 A. Yes.

21 Q. And when did you have a conversation
22 with Miss Griffith?

23 A. It was more than once, and I don't know
24 the -- I can't tell you when.

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